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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/067,934	02/08/2002	Andrea Manganini	Q68360	6545
23373	7590	01/10/2005	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			LI, SHI K	
			ART UNIT	PAPER NUMBER
			2633	

DATE MAILED: 01/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/067,934

Applicant(s)

MANGANINI ET AL.

Examiner

Shi K. Li

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 February 2002.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-7 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claim 1 recites the limitation "the event" in line 13 of the claim. The claim has mentioned a plurality of events. It is unclear to which event the limitation refers.
4. Claim 1 contains limitations for ring network and limitations for a method for managing transition between a ring event and a span event. Claim which is intended to embrace both apparatus and method is precluded by language of 35 U.S.C 101, which set forth statutory classes of invention in alternative only, and is also invalid under 35 U.S.C. 112, second paragraph, since claim which purports to be both method and apparatus is ambiguous and therefore does not particularly point out and distinctly claim subject matter of invention. See *Ex parte Lyell*, 17 USPQ2d 1548 (Bd. PA&I. 1990).
5. Claim 2 recites the limitation "the working channel" in line 3 of the claim. There is insufficient antecedent basis for this limitation in the claim.
6. Claim 4 recites the limitation "the network element" in line 8 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

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7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by GR-1230 (GR-1230-CORE, "SONET Bidirectional Line-Switched Ring Equipment Generic Criteria", Issue 4, December 1998, Chapter 6).

Regarding claims 1 and 4-5, GR-1230 teaches in Chapter 6 protocol for managing a bi-directional ring network (for example, see FIG. 6-2 to FIG. 6-20). GR-1230 teaches in p. 6-16, R6-68 that a protection using ring switch during a cable cut reverts when the protection channels on the failed span are repaired if the ring request is pre-empted (i.e., low-priority traffic has been pre-empted due to the ring switch). That is, GR-1230 teaches to transition from a ring event to a span event when the protection channels have been restored. GR-1230 teaches in p. 6-14 wait-to-restore (WTR) where a timer is triggered and revertive switching occurs only after the expiration of the timer.

Regarding claims 2-3, GR-1230 teaches to send WTR by node adjacent to event (e.g., see message 12a and 12b of FIG. 6-3).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over GR-1230 (GR-1230-CORE, "SONET Bidirectional Line-Switched Ring Equipment Generic Criteria", Issue 4, December 1998, Chapter 6) in view of Freeman ("Telecommunication System Engineering" by R. Freeman, John Wiley & Sons, 1980, pp. 99-103).

GR-1230 has been discussed above in regard to claims 1-5. The difference between Br-1230 and the claimed invention is that GR-1230 does not teach a computer program and a computer-readable medium. Freeman teaches in Section 12 stored-program control (SPC). Freeman teaches in p 100 to store method steps as program in memory for providing instructions to a controller or computer. One of ordinary skill in the art would have been motivated to combine the teaching of Freeman with the management protocol of GR-1230 because SPC is flexible and expandable such that it is easy to upgrade the system by rewriting the program. Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to use SPC, as taught by Freeman, in the management protocol of GR-1230 because SPC is flexible and expandable such that it is easy to upgrade the system by rewriting the program.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shi K. Li whose telephone number is 571 272-3031. The examiner can normally be reached on Monday-Friday (8:30 a.m. - 5:00 p.m.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on 571 272-3022. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

skl

2 January 2005



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